

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2004-465

July 14, 2004

MAINE PUBLIC UTILITIES COMMISSION
Do-Not-Call List (Chapter 305)

ORDER WAIVING RULE

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

During its last session, the Maine Legislature enacted An Act to Amend the Laws Relating to Requirements for Competitive Electricity Providers. P.L. 2003, ch. 558 (Act). Section 4 of the Act amends the Do-Not-Call provision of the Restructuring Act, 35-A M.R.S.A. § 3203(4), to state that competitive electricity providers (CEPs) must comply with all federal and State laws, federal regulations and State rules regarding the prohibition or limitation of telemarketing. The statutory amendment will become effective on July 30, 2004.

Chapter 305 of the Commission's rules contains customer protection provisions. Section 4(I) of the Chapter contains a do-not-call provision that entails the Commission maintaining a do-not-call, among other requirements. The intent of Section 4 of the Act was to make do-not-call provisions associated with electricity the same as those in other industries. Section 4(I) of the rule is inconsistent with the Act. Accordingly, Section 4 of Chapter 305 is hereby waived pursuant to the waiver provision of the Chapter (Chapter 305, § 5). The waiver is effective on July 30, 2004. The Commission will amend the language of the rule to be consistent with statute when it next reopens the rule.

BY ORDER OF THE DIRECTOR OF TECHNICAL ANALYSIS

Faith Huntington